

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

VINTON P. FROST,
Plaintiff,

v.

UNITED STATES DEPARTMENT OF
JUSTICE,
Defendant.

Case No. 17-cv-01240-JCS

**ORDER GRANTING SUMMARY
JUDGMENT IN FAVOR OF
DEFENDANT WITH RESPECT TO
ADEQUACY OF FBI SEARCH**

Re: Dkt. No. 65

United States District Court
Northern District of California

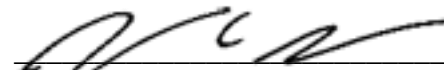
Defendant in this FOIA action brought a motion for summary judgment, which the Court granted in part in its April 4, 2018 Order, Docket No. 95. The Court held in abeyance the question of whether the FBI conducted an adequate search for responsive records, ordering Defendant to provide an additional declaration addressing the adequacy of its efforts. Before the supplemental declaration had been filed, however, Plaintiff filed a notice of appeal, thereby divesting this Court of jurisdiction until the appeal had been decided or dismissed. Nonetheless, Defendant provided the supplemental declaration by the deadline set by the undersigned and Plaintiff filed a response. *See* Docket Nos. 107, 110. The Court of Appeals dismissed Plaintiff's appeal on the basis that the order challenged in the appeal was not final or appealable, and the mandate has now issued. *See* Docket Nos. 116, 117. Therefore, the Court may decide the final issue that it left unresolved in its summary judgment order.

The Court has reviewed the supplemental declaration of Mr. Hardy (Docket No. 107) and finds that it is sufficient to show that the FBI conducted an adequate search with respect to Plaintiff's FOIA request. Accordingly, the Court GRANTS summary judgment in favor of

Defendant on that question. The Clerk is instructed to enter judgment in favor of Defendant and close the case.

IT IS SO ORDERED.

Dated: March 13, 2019



JOSEPH C. SPERO
Chief Magistrate Judge